

INSTRUCTION CPL 2.115 CH-1



TO: TOSHA Personnel

FROM: Robert B. Cooper, Chief, Standards & Procedures *RBC*

THRU: John Winkler, Interim Director *JW*

SUBJECT: Complaint Policies and Procedures

DATE: June 28, 1999

A. PURPOSE: This instruction change reestablishes the complaint policy and procedures set forth in the TOSHA FOM and makes the "fax/phone" provisions of this directive optional.

B. DOCUMENTS AFFECTED:

- 1 TOSHA Field Operations Manual (FOM). This change reinstates the provisions of Chapter I, Section C, superseded by CPL 2.115 dated September 30, 1996.
- 2 Replace pages 1 and 2 and pages 7 and 8 of TOSHA Instruction CPL 2.115 with the corresponding pages of TOSHA Instruction CPL 2.115 CH-1.

C. BACKGROUND:

- 1 The complaint policies and procedures set forth in this instruction were developed and tested by OSHA. They were designed to provide quicker resolution of complaints, speed hazard abatement, and enable OSHA/TOSHA to focus inspection resources on the workplaces where they are most needed.
- 2 The procedures have been found to be too time consuming administratively for Area Office Supervisors. While they have achieved the original purpose as set forth in C.1. above, it has been determined to make them **optional** in order to alleviate the administrative burden.

D. SUMMARY OF CHANGES:

1. Complaints are not identified as "formal" or "nonformal" if the procedures set forth in this instruction are followed.
2. Complaints handled in accordance with this instruction are classified as those that result in on-site **inspections** and those that result in **investigations** using telephone, telefax, and/or other written communication.

E. APPLICATION: This instruction applies to complaints where the Area Supervisor determines that it is in the best interest of TOSHA to process them as set forth herein instead of the procedures contained in the Field Operations Manual. It includes complaints addressing hazards in all covered workplaces, including private sector, State Agencies, and County and Local Governments of other public sector entities. A complaint lodged against a public sector employer can also include an alleged violation of TDOL Rule Chapter 0800-1-5 including basic program elements for employee occupational safety and health and related matters.

F. DEFINITIONS:

1. **Complaint:** Notice of an alleged hazard (over which TOSHA has jurisdiction), or a violation of the Act, alleged by a past or present employee, a representative of employees, a T.C.A. §50-3-409 [11(c)] officer seeking resolution of a discrimination complaint or any other individual knowledgeable of the alleged hazardous condition.
2. **Referral:** Notice of an alleged hazard or violation of the Act given by any source not listed in paragraph F.1. above, including compliance officer referrals. See Chapter I, Section C.10. of the FOM for procedures to be followed for referrals.
3. **Permanently Disabling Injuries or Illnesses:** Injuries or illnesses which may result in permanent disabilities or illnesses that are chronic or irreversible. Examples of permanently disabling injuries and illnesses include: amputation, blindness, STS in hearing, lead or mercury poisoning, or third degree burns.

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- F. 4. Complaint Inspection:** A complaint inspection is an inspection that is initiated primarily as a result of a complaint, is conducted by a TOSHA compliance officer at the employer's worksite, and that meets at least one of the criteria listed below:
- a. The complaint was reduced to writing, is signed by a current employee or employee representative, and states the reason for the inspection request with reasonable particularity. In addition, there are reasonable grounds to believe that a violation of a safety or health standard or danger exists, as provided in T.C.A. §50-3-304(a).
 - b. The complaint alleges that physical harm, such as disabling injuries or illness (as defined in F.3. above) has occurred as a result of the complained-of hazard(s) and there is reason to believe that the hazard or related hazards still exist.
 - c. The complaint is based on an allegation of an imminent danger situation. (See the TOSHA FOM for additional procedures to be followed.)
 - d. The complaint identifies an establishment or an alleged hazard covered by a local or national emphasis program.
 - e. The employer fails to provide an adequate response to a complaint as described in Section I., below, or the complainant provides evidence that the employer's response is false or does not adequately address the hazard(s).
 - f. The firm or establishment that is the subject of the complaint has a history of egregious, willful, or failure-to-abate citations, within State jurisdiction and within the last three (3) years. The Director may determine not to inspect a facility when good quality abatement evidence has been provided and programs have been implemented to prevent a recurrence of hazards.
 - g. The T.C.A. §50-3-409 (discrimination) Operations Review Officer or Investigator requests that a complaint inspection be conducted in response to an employee's allegation that he/she was discriminated against or discharged for exercising his/her rights under the Act.
 - h. If an inspection is scheduled, or has begun, at an establishment, and a complaint that would normally be investigated by telephone/fax is received, that complaint may, at the Area Supervisor's discretion, be

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F. 4. h. scheduled for inspection as a companion complaint.

5. **Complaint Investigation:** A complaint investigation is conducted for other complaints that do not meet one of the above complaint inspection criteria. It does not include an on-site inspection of the workplace.

NOTE: An "investigation" differs from an "inspection" in that in an investigation, TOSHA advises the employer of the alleged hazards by telephone and telefax, or by letter if necessary (e-mail may be available in the future). The employer is required to provide a written response. TOSHA shall provide copies of response(s) to the complainant.

G. **PROCEDURES FOR RECEIVING A COMPLAINT BY TELEPHONE:** During the course of telephone contact with the complainant, the following general guidance shall be followed. Detailed optional guidance is found in Appendix B to this instruction. The person taking the complaint **must**, to the extent feasible:

1. determine if the complainant is a current employee or an employee representative;
2. explain the complaint process, and if appropriate, the concepts of "investigation" and "inspection", as well as the relative advantages of each;
3. determine the exact nature of the alleged hazard and the basis of the complainant's knowledge;
4. determine if the complaint items are apparent violations of TOSHA standards of the Tennessee Occupational Safety and Health Act of regulations;
5. inform the complainant(s) of their rights to confidentiality in accordance with T.C.A. §50-3-304(a), and ask whether they wish to exercise that right; and
6. explain T.C.A. §50-3-409 rights to private sector employees and State of Tennessee employees or reprisal and discrimination protection provided by local government programs to local government employees.

H. **PROCEDURES FOR AN INSPECTION:**

1. The Area Office Supervisor shall evaluate each complaint, and other available information, and exercise professional judgement to decide whether or not there are reasonable grounds to believe that a violation or hazard exists. If there are

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- H.**
1. not reasonable grounds to believe that a violation or hazard exists, an inspection shall not be conducted. The area Office Supervisor may also determine not to inspect a facility if he/she has evidence that the condition complained of is being abated.
 2. If the complaint meets at least one of the inspection criteria listed in F.4. above, the complainant or employee representative shall be informed that an inspection will be scheduled and that he/she shall be advised of the results. After an inspection, the Area Office shall send the complainant a letter addressing each complaint item, with reference to the citation(s) or a sufficiently detailed explanation of why the findings at the time of the inspection did not result in a violation of a standard or other regulation or statute being cited.
 3. If the employee or employee representative requests an on-site inspection, but has not submitted a signed complaint or one which meets any of the other inspection criteria, he/she shall be advised that TOSHA will hold the complaint for five (5) working days so that he/she can either come into the office and sign the complaint or mail/fax a signed complaint letter to TOSHA. If a signed complaint is not then received after five (5) working days, or if the complainant does not initially request an on-site inspection, TOSHA will proceed with the investigation process. TOSHA will no longer mail TNOSHA-7 complaint forms to the complainant for signature.
 4. When a written complaint signed by a current employee or employee representative is received, and there are reasonable grounds to believe that a violation or hazard exists, an inspection shall be conducted. The complainant may be contacted for clarification of issues raised in the complaint, as necessary. Where a written, signed complaint has been submitted, but, in the professional judgement of the Area Supervisor, there are no reasonable grounds to believe that a violation or danger exists, no inspection or investigation shall be made. In such situations, the complainant shall be notified in writing of TOSHA's intent to **not** conduct an investigation or inspection, the reasoning behind such a determination, and the appeal rights provided under T.C.A. §50-3-304(b) and Rule 0800-1-4-.13. If the complainant is a public sector employee, the Chief of Public Sector Operations shall notify the complainant in writing of the determination not to conduct an inspection or investigation and of appeal rights provided under T.C.A. §50-3-304(b) and Rule 0800-1-5-.15(3).

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I. PROCEDURES FOR AN INVESTIGATION:

1. If the complaint requires an investigation, TOSHA shall contact the employer by telephone and notify him/her of the complaint and its allegation(s). The employer shall be advised that he/she must investigate and determine whether the complaint is valid. The employer shall be advised that a response is due within five (5) working days and that TOSHA requests the posting/sharing of information with employees, employee representatives, and/or safety committees. Although the employer must respond within the above time frame, he/she may not be able to complete abatement action, but is encouraged to do so. See the letter to employers at Appendix C to this instruction, pages 1-2, for what is required in their response.
2. TOSHA shall ask for the name of the contact person at the employer's worksite and may also request the name, address, and telephone number of the union and/or employee representative, if any. The company fax number shall also be requested. The employer shall be advised of what information is needed to answer the complaint. The employer is encouraged to respond by fax. In addition, documentation, such as invoices, sampling results, photographs, video tape, etc. shall be required to be provided by the employer as evidence of abatement, to ensure that the complaint hazard(s) has been eliminated.
3. As soon as possible thereafter, the notification letter shall be faxed (or mailed, where no fax is available) to the employer.
4. The complainant shall be advised of the employer's response(s). The complainant shall be advised of his/her rights to dispute the employer's response, and of the right to request an inspection if the alleged hazard persists. The employee need not put his/her dispute with the employer's response in writing. Disputed issues may be clarified by telephone, and some discretion is allowed in situations where, in the professional judgement of the Area Supervisor, the complaint does not warrant an on-site inspection. In such situations, the complainant shall be notified of TOSHA's intent not to conduct an inspection, and the reasoning behind such a determination. If the employee disagreement takes the form of a written complaint, refer to the procedures in H.3. above.
5. If a signed complaint is received after the complaint investigation process has begun (for example, the signed complaint is received on the eighth day), TOSHA shall make a determination as to whether the alleged hazard is still likely to exist based on the employer's response and by contacting the complainant. The

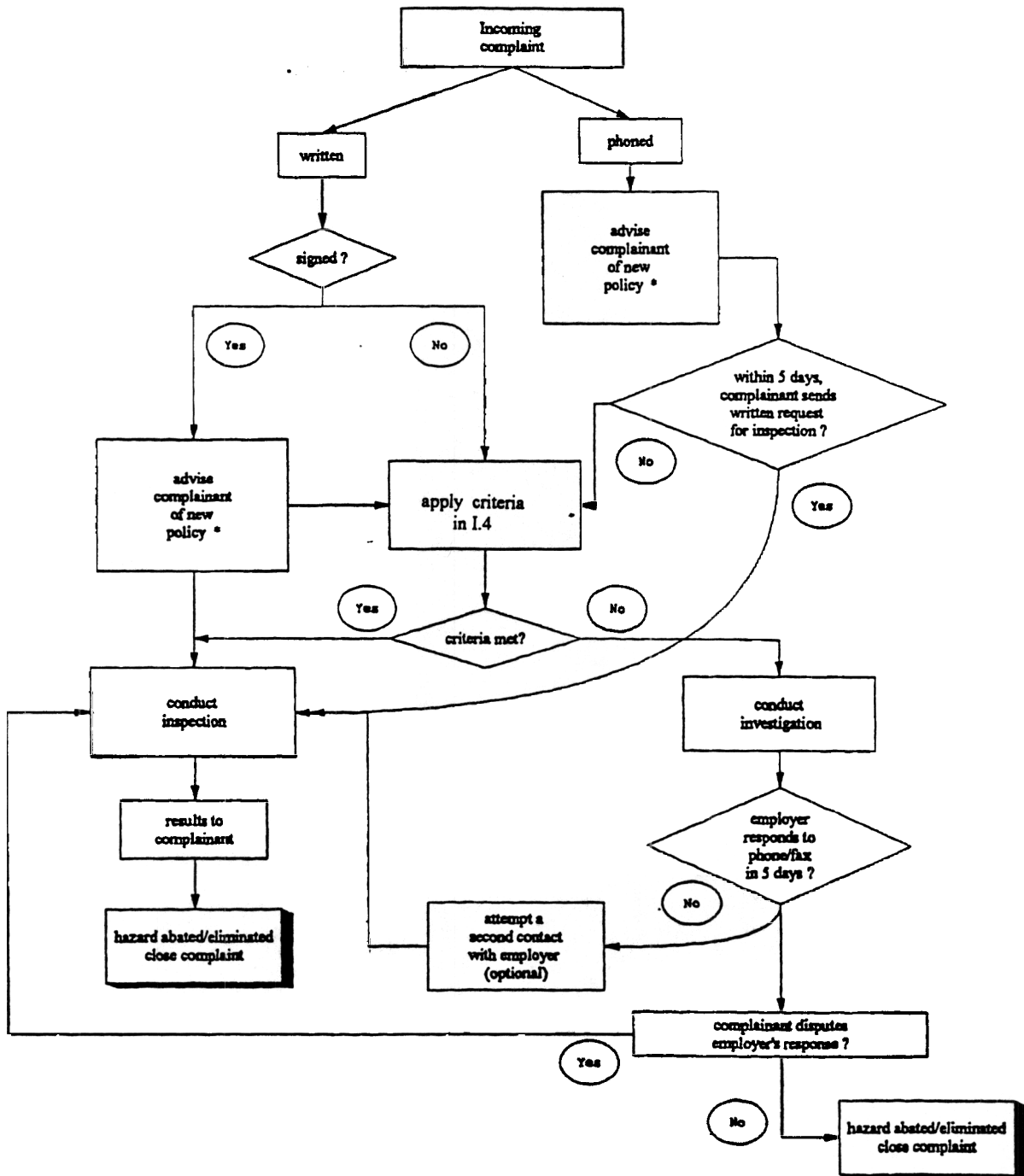
5. complainant shall be informed that the complaint investigation had begun and he/she still retains the right to request an on-site inspection if he/she disputes the results and believes the hazard still exists.
 6. When TOSHA receives an adequate response from the employer, and the complainant does not dispute or object to the response, an on-site inspection normally will not be conducted.
 7. If no employer response or an inadequate employer response is received after the allotted five (5) working days, an additional contact with the employer may be made before an inspection is scheduled. Ultimately, if the employer provides no response or an inadequate response or TOSHA determines from other information that the condition is not being corrected, an inspection will be scheduled..
 8. The complaint shall not be closed until TOSHA is certain the hazard has been eliminated/abated.
- J. IDENTITY OF COMPLAINANT:** The identity of the complainant shall be withheld from the employer, upon the request of the complainant, in accordance with T.C.A. §50-3-304(a). No information shall be given to employers which would allow them to identify the complainant.
- K. SAMPLE LETTERS FOR ALTERNATE PHONE/FAX COMPLAINT PROCEDURES:** Appendix C to this instruction contains samples of notification letters to the employer and complainant, a certification of posting letter, and a complaint form letter to an employer closing the complaint.
- L. RECORDING IN THE IMIS:** Information about complaint inspections or investigations shall be recorded in the IMIS following current instructions given in the OSHA IMIS Manual. Refer to Appendix D to this instruction for additional guidance.
- M. ACTION:**
- 1 TOSHA Branch Managers and Area Supervisors shall ensure that the guidelines and procedures set forth in this instruction are followed when it is determined that these procedures will be used in lieu of those set forth in the TOSHA FOM.
 - 2 The provisions of the TOSHA FOM annotated in accordance with this

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- M.** **2.** paragraph of TOSHA Instruction CPL 2.115 dated September 30, 1996, are once again in effect and shall be followed when it is determined that the procedures set forth in this instruction will not be followed. Any annotations made shall be erased, if possible, or obliterated, or in an acceptable manner made clear that they apply only if it is determined to use the provisions of this instruction.
- 3.** Replace pages 1 and 2 and pages 7 and 8 of TOSHA Instruction CPL 2.115 with these change pages.
- N.** **EFFECTIVE/EXPIRATION DATES:** This instruction is effective June 30, 1999 and shall remain in effect until canceled or superseded.

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**APPENDIX A
SUMMARY OF COMPLAINT PROTOCOL**



* An employee/employee representative has the statutory right to request an on-site inspection

APPENDIX B
OPTIONAL INFORMATION TO BE OBTAINED

Obtain information from the caller by asking the following questions, where relevant:

For all complaints:

What is the hazard? _____

How are workers exposed to this hazard? Describe the unsafe or unhealthful condition(s) and identify the location(s). _____

What work is done in the unsafe/unhealthful area? Identify, as well as possible, the type and condition of equipment in use, the materials (i.e., chemicals) being used, the process/operation involved, and the kinds of work being done near the hazardous area. Have there been any recent chemical spills, releases, or accidents?

With what frequency are workers doing the task which leads to the exposure? (Continuously? Every day? Every week? Rarely?) For how long at one time? How long has the condition existed as far as can be determined? Has it been brought to the employer's attention? Have any attempts been made to correct the condition, and if so, who took these actions? What were the results?

How many shifts are there? What time do they start? On which shift does the hazardous condition exist?

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What personal protective equipment (e.g., hearing protection, respirators, gloves, etc.) is required by the employer relevant to the alleged exposure? Is it used by employees? Include all PPE and describe it as specifically as possible. Include the manufacturer's name and any identifying numbers, if possible.

How many people work in the establishment?

How many are exposed to the hazardous condition?

How near do they get to the hazard? _____

Is there an employee representative (union) in the establishment? Include the name, address, and telephone number of the union and/or the employee representative(s).

For health hazards:

Has the employer administered any tests to determine employee exposure levels to the hazardous condition or substance? Describe the tests. What were the results? Can employees get the results (as required by stds.)?

What engineering controls are in place in the area(s) in which the exposed employees work? For instance, are there any fans or acoustical insulation in the area which may reduce exposure to the hazard?

What administrative or work practice controls has the employer put into effect? _____

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Do any employees have any symptoms which may have been caused by exposure to hazardous substances? Have any employees ever been treated by a physician for work-related disease or condition? What was it?

Have there been any "near-miss" accidents? _____

Describe them. _____

Are respirators worn to protect against health hazards, and if so, what kinds? What exposures are they protecting against? _____

If the complaint is related to noise, what, if any, hearing protection is provided to and worn by the employees?

For safety hazards:

Under what adverse or hazardous conditions are employees required to work? This should include conditions contributing to stress and "other" probability factors.

Have any employees been injured as a result of this hazardous condition? Have there been any "near-miss" incidents? _____

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Describe any other factors relevant to the complaint itself or the alleged hazards or hazardous conditions.

APPENDIX C
SAMPLE LETTERS

EMPLOYER NOTIFICATION OF COMPLAINT

RE: (Complaint No.)

Dear:

On *(Date)* the Tennessee Occupational Safety and Health Administration (TOSHA) received notice of safety and health hazards at your worksite. We notified you, by telephone/telefax, of these alleged hazards on *(Date)*. The specific nature of the alleged hazards is as follows:

(Describe hazards)

We have not determined whether the hazards, as alleged, exist at your workplace; and we do not intend to conduct an inspection at this time. However, since allegations of violations have been made, we request that you immediately investigate the alleged conditions and make any necessary corrections or modifications. Please advise me in writing, no later than *(Date)* of the results of your investigation. You must provide supporting documentation of your findings, including any applicable measurements or monitoring results, and photographs which you believe would be helpful, as well as a description of any corrective action you have taken or are in the process of taking.

This letter is not a citation or a notification of proposed penalty which, according to the Tennessee Occupational Safety and Health Act of 1972 as amended may be issued only after an inspection of the workplace. It is our goal to assure that hazards are promptly identified and eliminated. Please take immediate corrective action where needed. We encourage employee participation in investigating and responding to any alleged hazard. **If we do not receive a response from you by *(Date)* indicating that appropriate action has been taken or that no hazard exists and why, a TOSHA inspection will likely be conducted.** An inspection may include a review of the following:

- Injury and illness records;
- Hazard communication program;
- Emergency action and response program;
- Personal protective equipment assessment and program; and
- Any other safety or health related issues.
- Confined space entry;
- Lockout/tagout program;
- Bloodborne pathogens;

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Please note, however, that TOSHA selects for inspection on a random basis some cases where we have received letters in which employers have indicated satisfactory corrective action. This is to ensure that employers have actually taken the action stated in their letters.

The State of Tennessee offers TOSHA consultation services without charge, to assist in resolving all occupational safety and health issues. However, the variety of services available or the scheduling of those services may be limited by the Division of Consultative Services' requirement to give priority to small businesses in high hazard industries and by its backlog. To discuss or request the consultation services call (615) 741-7036 or 1-800-249-8510.

You are requested to post a copy of this letter where it will be readily accessible for review by all of your employees and return a copy of the signed Certificate of Posting (Attachment A) to this office. In addition, you are requested to provide a copy of this letter and your response to a representative of any recognized union or safety committee if these are at your facility. Failure to do so may result in an on-site inspection.

The complainant has been furnished a copy of this letter and will be provided a copy of your response. Tennessee Code Annotated, Section 50-3-409, provides protection for employees against discrimination or discharge because of their involvement in protected safety and health activity.

If you have any question concerning this matter, please contact _____
at the address in the letterhead (Nashville Area Office)
at _____ (Insert address of Area Office) _____

Your personal support and interest in the safety and health of your employees is appreciated.

Sincerely,

Area Supervisor

Attachment:

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CERTIFICATE OF POSTING
TOSHA NOTIFICATION OF ALLEGED HAZARD(S)

RE: Complaint No. _____

Date of Posting: _____

Date Copy Given to an Employee
Representative (If Applicable): _____

On behalf of the employer, I certify that a copy of the complaint letter received from the Tennessee Department of Labor, Tennessee Occupational Safety and Health Administration (TOSHA), has been posted in a conspicuous place, where all affected employees will have notice, or near such location where the alleged hazardous condition(s) occurred, and such notice has been given to each authorized representative of affected employees, if any. This notice was or will be posted for a minimum of ten (10) working days or until any hazardous conditions found are corrected.

(Signature)

(Title)

(Employer/Establishment Name)

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FIRST LETTER TO COMPLAINANT

Dear:

In response to your complaint of safety and health hazards at the Tennessee Occupational Safety and health Administration (TOSHA) has notified requesting that the appropriate action be taken to correct the situation. Enclosed is a copy of that letter for your information.

We have not revealed your identity to the employer. However, state law does not protect your name from being revealed unless you specifically request that it not be revealed. If you have not already stated that you do not want your name revealed, please let us know that fact as soon as possible. When we receive additional information from the employer, a copy of the response will be sent to you.

Tennessee Code Annotated, Section 50-3-409, provides protection for employees against discrimination or discharge because of their involvement in protected safety and health related activity. If you believe that you are being treated differently or action is being taken against you because of your safety or health activity, you may file a complaint with TOSHA. You should file such a complaint as soon as possible since TOSHA normally can only accept complaints filed within thirty (30) days of the alleged discriminatory action.

Your continued interest in workplace safety and health is appreciated.

Sincerely,

Area Supervisor

Enclosure:

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SECOND LETTER TO COMPLAINANT

RE:

Dear:

We have been advised by (Employer/Establishment Name) that the hazards about which you complained are presently being investigated. Enclosed is a copy of the letter received from the employer.

The Tennessee Occupational Safety and Health Administration has requested that the employer submit written notification to us when all corrective action has been completed.

A copy of the employer's response will be forwarded to you for your information as soon as we receive it.

Sincerely,

Area Supervisor

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SECOND LETTER TO EMPLOYER

RE:

Dear:

On _____ this office sent you a letter concerning alleged occupational safety and health hazards at your establishment. A copy of the letter is enclosed.

We have not received a reply from you concerning these allegations. Please advise this office of your findings and of any corrective action you have taken by _____. If we do not hear from you, an inspection may be scheduled.

TOSHA selects for inspection a random sample of cases in which employers have indicated satisfactory corrective action. This policy has been established to ensure that employers have actually taken the action asserted in their letters.

If you have any questions concerning this matter, please contact
at the above telephone number. Your cooperation in this matter is appreciated.

Sincerely,

Area Supervisor

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THIRD LETTER TO COMPLAINANT

RE:

Dear:

(Employer/Establishment Name) has advised me that the hazards you complained about have been investigated. A copy of the employer's letter is enclosed.

With this information, TOSHA feels the case can be closed on the grounds that the hazardous conditions have been corrected or no longer exist. If you do not agree that the hazards you complained about have been satisfactorily abated, please contact us by .
If we do not hear from you within that time, we will assume that the hazard has been corrected or eliminated and will take no further action with respect to this case.

Your action on behalf of safety and health in the workplace is appreciated.

Sincerely,

Area Supervisor

Enclosure:

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CLOSING LETTER TO EMPLOYER

RE:

Dear:

On the Tennessee Occupational Safety and Health Administration (TOSHA) notified you of alleged safety and/or health hazards at your worksite. Your response to these allegations was received in the Area Office on .

Based on our review of the information you provided in your response to these alleged hazards, we have determined that our file on this matter can be closed and no further action on this complaint is anticipated at this time.

Please note, however, that the complainant will also be given the opportunity to review the information provided in your response. If the complainant disputes the accuracy of the response, it may be necessary for TOSHA to contact you for additional information or documentation of corrective action in order to resolve these issues. In some situations, it may be necessary to conduct an inspection of your workplace.

We appreciate your prompt response to these allegations, and your interest in the safety and health of your employees. Please feel free to contact this office if we can be of additional assistance to you.

Sincerely,

Area Supervisor

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LETTER TO COMPLAINANT - INSPECTION SCHEDULED

RE:

Dear:

The purpose of this letter is to acknowledge receipt of your complaint and to inform you that an inspection of the workplace complained about will be scheduled as soon as possible in accordance with the priorities established by the agency. You will be informed of the results of our inspection when they are available.

Tennessee Code Annotated, Section 50-3-409, provides protection for employees against discrimination or discharge because of their involvement in protected safety or health activity. If you believe that you have been or are being treated differently or action is being taken against you because of your safety or health activity, you may file a complaint with TOSHA and/or OSHA. You should file such a complaint as soon as possible since TOSHA and OSHA normally can accept only those complaints filed within thirty (30) days of the alleged discriminatory action/discharge.

Complaints alleging violation of T.C.A. §50-3-409 should be filed with the Chief of Standards & Procedures, Tennessee Department of Labor - TOSHA, 710 James Robertson Parkway - 3rd Floor, Nashville, TN 37243-0659, Telephone: 615-741-7151 or 1-800-249-8510. Thank you for your interest in workplace safety and health.

Sincerely,

Area Supervisor

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POST INSPECTION LETTER TO COMPLAINANT

RE:

Dear:

In response to your complaint concerning safety and health hazards at _____, the Tennessee Occupational Safety and Health Administration (TOSHA) conducted an inspection. That inspection was completed on _____. The results of our inspection of your complaint items are as follows:

Attached for your information is a copy of the TNOSHA-2, Citation and Notification of Penalty, which was sent to your employer on _____ and should have been posted at the workplace for at least three (3) days after receipt.

If you do not agree with our inspection results, you may contact me for a clarification of the matter. you also have the right to an informal review by the Commissioner of Labor. This review may be obtained by submitting a written statement of your position to the Commissioner, Tennessee Department of Labor, 710 James Robertson Parkway - 2nd Floor, Nashville, TN 37243-0655 and a copy should be sent to this office. The Commissioner will provide the employer with a copy of such statement by certified mail. Unless you specifically request that your identity not be revealed, it must be revealed upon request although it is our policy not to reveal it unless requested.

Tennessee Code Annotated, Section 50-3-409, provides protection for employees against discrimination or discharge because of their involvement in protected safety or health activity. If you believe that you have been or are being treated differently or action is being taken against you because of you safety or health activity, you may file a complaint with TOSHA and/or OSHA. You should file such a complaint as soon as possible since TOSHA and OSHA normally can accept only those complaints filed within thirty (30) days of the alleged discriminatory action/discharge as you were informed in our previous letter.

Thank you for your concern for a safe and healthy workplace.

Sincerely,

Area Supervisor

Enclosure:

APPENDIX D
IMIS RECORDING

A. Instructions for recording complaint data.

1. On the TNOSHA-7/OSHA-7, complete the data items as follows:
 - a. Item #37 - "Formality" - Mark "formal" for signed complaints and "nonformal" for all others.
 - b. Item #39 - "Send Letter" - Mark box d "nonformal complaint notification to employer" and box e "Complainant Notification With Letter d" when appropriate.
 - c. Item #40 - "Date letter sent" - Write in the date the employer was called on the telephone or telefaxed.
 - d. Item #41 - "Date response due" - Write in the date five (5) working days later than the date entered in Item #40.
 - e. Item #42 - "Inspection Planned" - Where "If Yes, Priority", the following codes will be entered: **ID** (imminent danger), **LP'S** (local emphasis program), **NP** (national emphasis program), **DI** (disabling injury/illness), **SH** (significant history), **IR** (discrimination investigator/review officer request), **OD** or **TD** (OSHA/TOSHA disputes), **ED** (employee disputes), **CC** (companion complaint), or **SC** (signed complaint).
 - f. Item #46 - "Optional Code" - Write in under "Type-ID-Value": **N-10-Phone**.
- 2 For complaint inspections on the OSHA-1B Worksheet, under Item #13, REC (Related Event Code), mark the item with a "C" when the violation relates to the complaint.

B. Data Entry Options. Enter OSHA-7/TNOSHA-7 into IMIS system and follow menu to process letters to employer and complainant. Complaint allegations from OSHA-7/TNOSHA-7 are drawn into the letter to employer by the following commands: Press {shift} {F10} concurrently, then enter /usr/Wp/07/D##### (##### is the complaint number).

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Alternatively, the notification letter is created to be faxed (or mailed if no fax is available). A macro to create a letter to the contact person at the company can be placed in the office NCR system, thereby enabling letter creation without entering the OSHA-7/TOSHA/7.

1. From a new word processing machine screen, pull up macro by pressing **ALT** or **F16** (BLUE) and **F10** keys. The macro is entitled "cip" -- type "cip" and **Return** to bring up the special complaint letter format.
2. Edit the letter as noted by the () for the information specific to the complaint. To move quickly through the letter, search [F2] with a (.
3. If a choice is made to save the letter, give it a new name and directory.